

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAHMARI BUTLER,

Plaintiff,

v.

D. BAKER, *et al.*,

Defendants.

Case No. 2:23-cv-00565-JDP (PC)

ORDER

On March 24, 2023, plaintiff filed a complaint and an application to proceed *in forma pauperis*. ECF Nos. 1 & 2. I reviewed plaintiff's application and his trust fund account, which showed an available balance of \$10,261. *See* ECF No. 4. Before recommending that his application be denied, I issued an order to show cause on April 5, directing plaintiff to explain why he could not both pay the filing fee and still afford the necessitates of life. ECF No. 5. I warned plaintiff that failure to respond to that order could result in a recommendation that his application be denied. Plaintiff has failed to respond.

To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for plaintiff's failure to prosecute or failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to

1 administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v.*
2 *Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

3 I will give plaintiff the opportunity to explain to the court why this case should not be
4 dismissed based on his failure to respond to the court's April 5, 2023 order. Plaintiff's failure to
5 respond to this order will constitute another failure to comply with a court order and will result in
6 a recommendation that this action be dismissed. Accordingly, plaintiff is ordered to show cause
7 within twenty-one days why this case should not be dismissed for failure to comply with court
8 orders. Should plaintiff wish to continue with this lawsuit, he shall also file a response to the
9 court's April 5 order within twenty-one days.

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11 IT IS SO ORDERED.

12 Dated: May 16, 2023

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14 JEREMY D. PETERSON
15 UNITED STATES MAGISTRATE JUDGE
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